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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,725	04/09/2004	Dylan Jay	4002121-A-01-US (Jay)	1514
47523 7590 07/09/2008 JOHN C. MORAN, ATTORNEY, P.C. 4120 EAST 115 PLACE THORNTON, CO 80233-2623				
EXAMINER				
GAY, SONIA L				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

### Office Action Summary

**Application No.**

10/821,725

**Applicant(s)**

JAY ET AL.

**Examiner**

SONIA GAY

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 7, 12, 15-20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 8, 9-11, 13-14, 21, 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in response to the Amendment filed on 05/13/2008 in which claims 6, 8-11, 13 - 14, 21, 23 - 25 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

1. Claims 6, 8, 10 -11, 13, 21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwak et al. (US 6,457,043), in view of Berstis (US 2003/0081751), and further in view of Craner(US 2004/0013252).

For claims 6 and 21, Kwak et al. discloses a method and computer- readable medium (column 9 lines 43 – 65; *Speaker—ID service integrated into a personal computer*, with inherent processor and memory : column 10 lines 40 - 45 ) comprising computer-executable instructions for performing the method of performing participant identification in a conference of a plurality of participants, comprising the steps of:

detecting a change in an active participant among a set of plurality of participants using an endpoint communication terminal; (column 8 lines 9 – 16)

signaling the detected change to a conference unit by the endpoint telecommunication unit; (column 4 lines 3 - 22)

determining the identity of a new active participant of the set of the plurality of participants by the conference unit in response to the signaled change (column 7 lines 64 - column 8 lines 3; column 8 lines 9 - 16) whereby the conference unit processes speech information from only the endpoint telecommunication unit. ( column 8 lines 34 – 37)

Yet, Kwak et al. fails to teach performing a simple speech algorithm to detect a change in an active participant using an endpoint telecommunication unit; and, determining the identity of a new active participant by performing voice recognition.

However, Craner discloses an endpoint telecommunication unit that can perform a simple speech algorithm( [0033][0034]) for the purpose of identifying a change in active participant in a conference. (Abstract)

Moreover, Berstis discloses performing voice recognition by the conference unit for the purpose of determining the identity of a new active participant of the set of the plurality of participants.([0056][0058])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Kwak et al. with the teachings of Berstis and Craner for the endpoint telecommunication unit disclosed above in Kwak et al. to perform a speech algorithm for the purpose of detecting a change in the active speaker at the endpoint telecommunication unit; and, for the conference unit disclosed above in Kwak et al. to perform voice recognition for the purpose of identifying the new active participant.

For claim 11, Kwak et al. discloses a system for providing a conference, comprising:  
a conference unit ( multipoint control unit, MCU, and Speaker ID Service - **Fig. 4** 50B and 52B column 2 lines 13 – 16; column 10 lines 46 - 47)

a system controller; ( multipoint controller- **Fig. 4** 90 and column 5 lines 7 -10 and multipoint processor - **Fig. 4** 92 and column 5 lines 10 - 14);

a plurality of endpoint telecommunication units ;( **Fig. 3** 20 and column 9 lines 44 - 46)

a system controller establishing the conference for a set of participants using a plurality of endpoint telecommunication units; ( **Fig. 3**; **Fig. 4** and column 6 lines 66 – column 7 line 8; column 7 lines 11 – 21, 41 – 48)

one of the plurality of endpoint telecommunication units providing service for a subset of the set of the plurality of participants (**Fig. 1** 20B and column 4 lines 11 - 17); detecting a change in a new active participant of the subset of the set of the plurality of participants (column 8 lines 9 - 16) and signaling the change to the system controller; (**Fig. 4** 72, 90, 103, 105 and column 1 line 67– column 2 line 4; column 7 lines 5-6, 17, 27 – 32; column 8 lines 16 - 18)

a system controller responsive to the signaled change to request the conference unit identify the new active participant of the subset of the set of the plurality of participants; (**Fig. 4** 72, 90, 103, 105 and column 1 line 67– column 2 line 4; column 7 lines 5-6, 17, 27 – 32; column 8 lines 16 -18) and

the conference unit identifying the new active participant and signaling the identity to the system controller (**Fig. 5** 208, 210 and column 7 lines 64 – column 8 line 3; column 8 lines 9 - 16).

Yet, Kwak et al. fails to teach performing a simple speech algorithm to detect a change in an active participant using an endpoint telecommunication unit; and, determining the identity of a new active participant by performing voice recognition.

However, Craner discloses an endpoint telecommunication unit that can perform a simple speech algorithm( (0033)(0034)) for the purpose of identifying a change in active participant in a conference. (Abstract)

Moreover, Berstis discloses performing voice recognition by the conference unit for the purpose of determining the identity of a new active participant of the set of the plurality of participants.([0056][0058])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Kwak et al. with the teachings of Berstis and Craner for the endpoint telecommunication unit disclosed above in Kwak et al. to perform a speech algorithm for the purpose of detecting a change in the active speaker at the endpoint telecommunication unit; and, for the conference unit disclosed above in Kwak et al. to perform voice recognition for the purpose of identifying the new active participant.

For claims 8, 13, and 23, Kwak et al. further discloses wherein the endpoint telecommunication unit is a telecommunication terminal ( Kwak et al., column 9 lines 44 - 46).

For claims 10 and 25, Berstis further discloses wherein the step of detecting comprises determining a use of a speakerphone on the endpoint telecommunication unit. ( Berstis, [0046])

2. Claims 9, 14, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwak et al. (US 6,457,043) in view of Berstis (US 2003/0081751), and further in view of Craner(US 2004/0013252),and further in view of Shaffer et al. (US 6,826,159).

The combination of Kwak et al., Berstis, and Craner discloses the claimed invention above, but fails to teach the endpoint telecommunication unit is a remote switch connecting a telecommunication terminal used by a subset of the set of the plurality of participants to the conference unit.

However, Shaffer et al. discloses a conference call unit that is contained inside of a current PBX, bridge, or other networking device ( column 2 lines 50– 53) that performs the method for speaker identification for a conference call ( column 2 lines 43 – 46) of using speech processing to detect changes in the speaker for the purpose of identifying callers in a conference call ( column 1 lines 45 – 60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention in Kwak et al. in view of Berstis and Craner with the teachings of Shaffer et al. for the endpoint terminal disclosed in Kwak et al. is a switch, router or other network processing device such as a PBX or computer and a bridge connected to an external conference call provider and bridge for the purpose of providing a single connection between the local callers attached to the switch and the conference call provider; and, the switch, router, or other device such as a PBX or computer has a conference unit attached to the bridge that is enclosed in the switch, router or other network processing device that performs speech recognition to detect a change in speakers for the purpose of identifying a speaker during a conference call.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1- 25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/  
Examiner, Art Unit 2614

June 27, 2008

/Ahmad F. MATAR/

Supervisory Patent Examiner, Art Unit 2614